

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

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STATE OF NEW MEXICO ex rel. )  
the State Engineer, ) 01 JUL 17 PM 1:07  
Plaintiff, ) No. 69cv07941 JEC-ACE  
v. ) Rio Chama Stream  
ROMAN ARAGON, et al., ) System  
Defendants. ) Canjilon Creek, Section 3

**AFFIDAVIT OF "REFUSAL OF SERVICE"**

I, Leo Montoya, being duly sworn, on oath, say that I am over the age of 18 years and not a party to this lawsuit, and that I personally attempted to serve Summons in this suit in Valencia County on the 1<sup>st</sup> day of May, 2001, by delivering a copy thereof, with a copy of Complaint, Procedural Order for the Adjudication of Water Rights Claims in the Rio Gallina Section of the Rio Chama Stream System, Notice of Field Office, Subfile Aerial Photograph, proposed Consent Order and Form Answer attached, in the following manner:

To Defendants ARCHIE GIBSON and GLORIA GIBSON, at 15 Prairie Hawk Dr., Los Lunas, New Mexico, who REFUSED SERVICE for the following reason:

**No longer own. Sold property to Ray Martinez from Canjilon, New Mexico.**

I certify that the foregoing is true and correct.

Leo Montoya  
Leo Montoya  
P.O. Box 285  
Velarde, NM 87572

SUBSCRIBED AND SWORN to before me this Fifth day of May, 2001.

Vic Gallegos  
Notary Public  
Commission Expires: July 17, 2002